
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u> 00AA-01
<input type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input type="checkbox"/> All Evaluator Manual Holders	<u>Date Issued</u> July 2000

Subject:

Adoption Agencies – Application for licensure (blues)

Reason For Change:

Adds Section 89019 (c) which clarifies the circumstances when a licensed public adoption agency may conduct adoption casework in another county without requesting an exception.

PLEASE NOTE: The new section is shaded.

Filing Instructions:

☒ REMOVE – Entire package

☒ INSERT – Revised package

Approved:

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7-17-00

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**REGULATION INTERPRETATIONS
AND
PROCEDURES
FOR
ADOPTION AGENCIES**

ADOPTION AGENCIES

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89001 LICENSE REQUIRED**89001****(a) POLICY**

1. An adoption facilitator is a person or organization, not licensed as an adoption agency, engaged in the following activities:
 - Advertises to solicit parties to an adoption, to locate children for an adoption, and to act as an intermediary between the parties to an adoption.
 - Charges a fee for services rendered relating to an adoption.
2. An adoption facilitator is prohibited from the following activities:
 - Assuming care, custody and control of a child.
 - Assessing a prospective adoptive parent or a child.

An assessment of a child includes a developmental and behavioral history, a family life history, the results of any psychological evaluations, and an assessment of the child's readiness and willingness for adoption. An assessment of a prospective adoptive parent includes an evaluation of the individual's ability to assume the responsibility for the care, guidance, and protection of a child. It may contain such information as the individual's emotional flexibility and stability, self-esteem, motivation for adoption, and feelings and attitudes regarding adoption.
 - Supervising an adoptive placement.
 - Removing a child from a placement.
3. An attorney who provides adoption facilitator services is subject only to the laws regulating the practice of law and is not subject to the Community Care Licensing Division regulations.
4. We are limited to investigating whether the individual or organization should be licensed.

(a) PROCEDURE

1. If you have any questions about whether an adoption facilitator is operating as an adoption agency, contact your District Office's legal consultant.

89001 LICENSE REQUIRED (Continued)**89001**

2. Issue a citation for operating an unlicensed facility, if an adoption facilitator, or organization does any of the prohibited activities listed in Policy #2 above.
3. If there is a complaint about an attorney's services as an adoption facilitator, refer that complaint to the State Bar of California at (800) 843-9053.
4. If an individual complains about activities that are not relevant to the licensing decision, such as misleading written or oral communications, the lack of a business license, the failure to provide adoption facilitator services, or the lack of a surety bond, refer the reporting individual to the local district attorney or to the State Bar of California, in the case of a complaint about an attorney. In addition, inform the reporting individual that he/she may pursue civil action for an equitable remedy.

89019 APPLICATION FOR LICENSURE**89019****(c) POLICY**

A licensed public adoption agency is permitted to conduct adoption casework in another licensed county without requesting an exception. However, if the county in which they wish to work is unlicensed, the provisions in the California Code of Regulations, Title 22, Division 6, Chapter 9, Section 89019(c), apply. Casework performed in another county will be restricted to casework involving court dependent children of the county that initiated the out of county adoption services, without regard to whether or not the county is licensed.

If the county in which the casework will be performed is not licensed as a public adoption agency, an additional restriction applies: the adoption services must be only "occasionally and infrequently" provided. If adoption services are regularly provided, a written agreement is required as specified in Section 89019(c). Attached is a list of the 30 counties that are not licensed as public adoption agencies.

This policy will not affect the ability of a county to respond to another county's request for adoption casework and/or courtesy supervision. It is recommended that advance notification be provided when conducting casework activities in another county.

89173 PLACEMENT AND SUPERVISION**89173****(c) POLICY**

Family Code 8700 provides for a birth parent(s) to name an adoptive parent in a relinquishment to a public or private adoption agency. This usually occurs when a prospective adoptive parent(s) who has already had a home study by an adoption agency finds a pregnant birth parent(s) willing to relinquish a child when born. All parties want the child placed in the designated adoptive home as soon as possible. However, ordinarily the Community Care Licensing Division would require that the designated adoptive home be certified or licensed, because the child is not yet “legally free”.

To eliminate barriers to the placement of children for adoption, a licensing agency or a private adoption agency that is also licensed as a foster family agency may issue a provisional foster family license or certificate, respectively, when all adoptions but not all Community Care Licensing Division requirements have been met.

First aid and CPR training are among the common Community Care Licensing Division requirements that will be missing. The provisional issuance is allowable only under the following conditions:

- A home study has been completed and the prospective adoptive parent(s) have been approved.
- The home study included the criminal record clearance (fingerprints and child abuse index checks) and the health screening.
- There are no life safety risks in the home.
- There is a fire clearance, if the child is disabled.
- The provisional certificate or license has the following restrictions shown:
 1. It is a designated relinquishment.
 2. It is restricted to the pre-adoptive placement of the specific child.
 3. It is limited to six months or the time at which the child is legally free for adoptive placement, whichever is sooner. (If the adoptive placement does not occur within the time limit, the prospective adoptive parents must come into compliance with all licensing requirements to maintain their certificate or license and retain physical custody of the child).

89173 PLACEMENT AND SUPERVISION (Continued)**89173****(c) POLICY (Continued)**

- The adoptive parents sign an attachment to the provisional certificate or license verifying their understanding of the above limits, i.e., that the time limited certificate or license is specific to the identified child and that the must meet the additional licensing requirements if the adoptive placement does not occur with in the time limit.

The following documents are maintained in the prospective adoptive parent's file:

1. The approved adoption home study.
2. A record of the provisional certificate or license.
3. The above signed attachment.

In addition, a private adoption agency/foster family agency must:

1. Allow the licensing agency to have access to the prospective adoptive parent's file.
2. Submit to the licensing agency a written statement that designated relinquishments will be processed pursuant to Family Code Section 8700.